

October 19, 2011

***By ECF Filing Only***

Hon. James E. Shapiro  
U.S. Courthouse, Room 133  
517 East Wisconsin Ave.  
Milwaukee, WI 53202

***Re: Confirmation Hearing; The Big Whale, LLC: Case No. 11-23756-jes***

Dear Judge Shapiro:

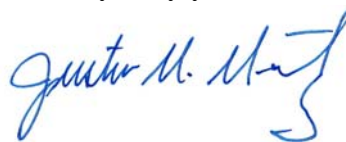
With this letter I am filing a Declaration in support of confirmation of the Debtor's Plan in this case. The purpose of the Declaration is to provide evidentiary support for some of the more "technical" requirements of Sections 1125 and 1129 of the Bankruptcy Code. I fully expect the Debtor to give testimony at the hearing today regarding feasibility and to provide information showing that the Plan is in the best interests of all creditors.

Yesterday afternoon, the Debtor was pleased to file a stipulation it reached with the two remaining creditors, WaterStone Bank and M&I Bank, who had objected to confirmation. Among other things, the stipulation resolves the two remaining objections in this case. I am happy to report that all classes that have submitted ballots have accepted the Plan.

At the hearing today, I will inform the Court of the anticipated modifications to the Plan and answer any questions that parties may have. The Debtor will then provide testimony regarding the current status of operations and its ability to succeed under the terms of the Plan. Also filed with this letter is the Debtor's revised cash budget for the remaining two months of 2011 as well as the entire year of 2012. As part of the stipulation with WaterStone and M&I, Milwaukee Rents, LLC (the Debtor's property manager), has agreed to reduce its management fee to 5%, which is reflected in the updated budget.

Thank you for your time in reviewing the enclosed information.

Very truly yours,



Justin M. Mertz

JMM/jmm